IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

Crl.MC.No. 2301 of 2007()

---

AGAINST THE JUDGEMENT/ORDER IN BA.7257/2006

.....

PETITIONER:

---

A.M.ABDUL KHADER, AGED 80 YEARS,
SUFANA MANZIL, KILIMANOOR,
THIRUVANANTHAPURAM DIST.

BY ADV. SRI.J.JAYAKUMAR

RESPONDENTS: COMPLAINANT

---

STATE OF KERALA,
REPRESENTING S.I OF POLICE, KILIMANOOR
POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

**= = = = = = = = = = = = = =**

**Crl.M.C. No.2301 Of 2007**

**= = = = = = = = = = = = = = =**

Dated this the 18th day of July, 2007

**ORDER**

In favour of the petitioner, directions were issued under Sec.438 Cr.P.C. as per order dated 7.12.06. The directions were granted subject to conditions. It was observed that the order was to remain in force for a period of one month. In the event of his arrest, he was to be released subject to conditions. Within the period of one month, the petitioner was to surrender before the learned Magistrate and seek regular bail. The petitioner has now come before this Court for deletion of the condition imposed. I must note that the condition is not in force now. The same has come to an end with the lapse of one month from the date of the order dated 7.12.06. Before expiry of the said period, the petitioner must have surrendered before the learned Magistrate and sought regular bail. Thereafter, it is only the condition imposed by the learned Magistrate which will bind the petitioner. If identical conditions or any other condition have been imposed by the learned Magistrate, the petitioner must approach the learned Magistrate and seek modification of such conditions. No condition imposed by this Court deserves to be modified now, as none is in force.

This Crl.M.C. is dismissed with the above observations.

**(R.BASANT, JUDGE)**

sj